

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**CHRISTOPHER A. JONES,** )

**Plaintiff,** )

**vs.** )

**Case No. CIV-15-0152-D**

**OKLAHOMA COUNTY JAIL;** )

**OKLAHOMA FUGITIVE** )

**TASK SQUAD; OKLAHOMA** )

**COUNTY SHERIFF'S** )

**DEPARTMENT,** )

**Defendants.** )

**REPORT AND RECOMMENDATION**

Plaintiff, a Georgia state prisoner appearing pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. Doc. 1. United States District Judge Timothy D. DeGiusti referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C).

By order dated February 20, 2015, the undersigned notified Plaintiff that his motion to proceed in forma pauperis in this matter was deficient and ordered him to cure the specifically-noted deficiencies by March 12, 2015. Docs. 2,6. The undersigned advised Plaintiff that failure to comply with the court's order could result in the dismissal of his action. Doc. 6, at 2.

Plaintiff timely responded by filing a second request for leave to proceed in forma pauperis. Doc. 9. By order of March 17, 2015, the undersigned notified Plaintiff that this second application to proceed without the prepayment of fees or costs was deficient and ordered him, once again, to cure the specifically-noted deficiencies by a date certain. Doc. 10. Again, the undersigned cautioned Plaintiff that failure to comply with the court's order could result in the dismissal of his action. *Id.* at 2.

Plaintiff timely responded by filing a third request for in forma pauperis status. Doc. 11. But he again failed to submit, as he must, a certified copy of his institutional accounts statement for the six-month period immediately preceding the filing of his February 10, 2015 complaint in this matter. *See* 28 U.S.C. § 1915(a)(2). Instead, he submitted an admittedly out-dated form that he states had not been updated until January 27, 2015 to show a \$199.25 deposit into his account. *Id.* at 5-6, 20. So, once again, by order dated April 27, 2015, the undersigned notified Plaintiff that his third application to proceed in forma pauperis was deficient and ordered him, once again, to cure the specifically-noted deficiency by May 17, 2015. Doc. 12. As before, the undersigned advised Plaintiff that failure to comply with the court's order could result in the dismissal of his action. *Id.* at 2.

To date, Plaintiff has neither complied with nor responded to this most recent order and he has not requested an extension of time to do so. Plaintiff's failure to comply with a court order, together with the court's right and responsibility to manage and control its case load, warrants dismissal of this action without prejudice. *See Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1161 n.2, 1162 (10th Cir. 2007) (noting the court applies Fed. R. Civ. P. 41(b) to allow sua sponte dismissal for "failure to . . . comply with the rules of civil procedure or court's orders").

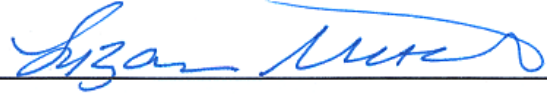
#### **RECOMMENDATION AND NOTICE OF RIGHT TO OBJECT**

For the stated reasons, the undersigned recommends that Plaintiff's action be dismissed without prejudice.

The undersigned advises Plaintiff of his right to file an objection to this Report and Recommendation with the Clerk of Court on or before June 18, 2015, in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). The undersigned further advises Plaintiff that failure to file a timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in this matter.

ENTERED this 29th day of May, 2015.

A handwritten signature in blue ink, appearing to read "Suzanne Mitchell", is written over a horizontal line.

SUZANNE MITCHELL  
UNITED STATES MAGISTRATE JUDGE